

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Heinz FOCKE et al

Appln. No. 10/540,031

Group Art Unit: 3651

Confirmation No.: 8873

Examiner: James R. BIDWELL

Filed: June 22, 2005

For: DEVICE FOR PRODUCING CIGARETTE PACKAGES

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the cited US '035 document which is listed on the attached Form PTO/SB/08 A & B (modified) and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

**In accordance with 37 C.F.R. § 1.98(a)(2)(i), the undersigned is not submitting a copy of the cited U.S. patent documents.** (The GB references cited in the TORTA Research S.r.l. document were previously submitted to the USPTO with Information Disclosure Statements filed on June 22, 2005 and August 15, 2006; therefore, Applicant has not listed these references on the attached PTO/SB/08 form or attached copies.)

INFORMATION DISCLOSURE STATEMENT  
U.S. APPLN. NO. 10/540,031

The present Information Disclosure Statement is being filed (without a Statement Under 37 C.F.R § 1.97(e)) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore the fee of \$180.00 is being charged to Deposit Account No. 19-4880 through the via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Applicant encloses a copy of a TORTA Research S.r.l. letter, received in the EPO on January 9, 2007, for Applicant's counterpart European patent application, and citing U.S. Patent No. 3,869,035.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,

/John H. Mion/

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CUSTOMER NUMBER

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